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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/825,494         | 04/15/2004             | Joel Q. Xue           | 039199-9550            |

31058

MICHAEL BEST & FRIEDRICH LLP  
 100 EAST WISCONSIN AVENUE  
 MILWAUKEE, WI 53202-4108

Michael, Best & Friedrich LLP  
 RECEIVED

JUL 02 2004

DOCKETING  
 MILWAUKEE, WI

CONFIRMATION NO. 8563

FORMALITIES LETTER



\*OC000000013078955\*

Date Mailed: 06/28/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

### Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

### SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents

08/24/2004 FFANAI2 00000042 502401 10825494 P.O. Box 1450

01 FC:1051 130.00 DA Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

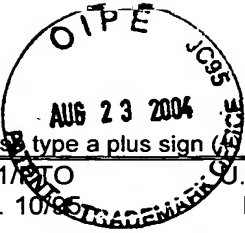
*Mar*

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Please type a plus sign (+) inside this box (+)

Patent and Trademark Office: U.S. Department of Commerce

|  |  |                      |                        |
|--|--|----------------------|------------------------|
| 0001/PTO<br>Rev. 10/95                   | U.S. Department of Commerce<br>Patent and Trademark Office | Application Number   | 10/825,494             |
|  |  | Filing Date          | 04/15/2004             |
|  |  | First Named Inventor | Joel Q. Xue            |
|  |  | Group Art Unit       |                        |
|  |  | Examiner Name        |                        |
| Total Number of pages in this Submission |  | 10                   | Attorney Docket Number |
|  |  |                      | 140823IT (5024-00120)  |

### TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

### ENCLOSURES (check all that apply)

|   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached   | <input type="checkbox"/> Assignment Papers<br>(for an Application)                             | <input type="checkbox"/> After Allowance<br>Communication To Group                                |
| <input type="checkbox"/> Amendment/Response<br><input type="checkbox"/> After final   | <input type="checkbox"/> Drawing(s)  | <input type="checkbox"/> Appeal Communication to<br>Board Of Appeals and<br>Interferences         |
| <input type="checkbox"/> Extension of Time Request  | <input type="checkbox"/> Licensing-related Papers  | <input type="checkbox"/> Appeal Communication to<br>Group ( Appeal Notice, Brief,<br>Reply Brief) |
| <input type="checkbox"/> Express Abandonment<br>Request   | <input type="checkbox"/> Petition Checklist and<br>Accompanying Petition                       | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Information Disclosure<br>Statement/PTO-1449   | <input type="checkbox"/> To Convert a Provisional<br>Application                               | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Certified Copy of Priority<br>Document(s)  | <input type="checkbox"/> Power of Attorney,<br>Revocation, Change of<br>Correspondence Address | <input checked="" type="checkbox"/> Additional Enclosure(s)<br>(Please identify below)            |
| <input checked="" type="checkbox"/> Response to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Response to Missing<br>Parts Under 37 1.52 or 1.53 | <input type="checkbox"/> Terminal Disclaimer   | <div style="border: 1px solid black; padding: 5px;">Return receipt postcard</div>                 |
| <div style="border: 1px solid black; padding: 5px;">Remarks</div>   |  |   |

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                               |  |
|-------------------------------|--|
| Firm<br>Or<br>Individual Name | Joseph D. Kuborn, Reg. No. 40,689<br>ANDRUS, SCEALES, STARKE & SAWALL, LLP<br>100 East Wisconsin Avenue, Suite 1100, Milwaukee, WI 53202 |
| Signature                     |  |
| Date                          | August 19, 2004  |

### CERTIFICATE OF MAILING

|  |                    |      |   |
|--|--------------------|------|---|
| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on this date: |                    |      |   |
|  |                    |      | <div style="border: 1px solid black; padding: 5px;">August 19, 2004</div> |
| Typed or printed name  | Barbara A. Johnson |      |   |
| Signature  |                    | Date | 8/19/2004   |

Appln. No. 10/825,494  
Reply to Notice to File Missing Parts dated June 28, 2004  
Submission of Declaration dated August 19, 2004



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Of: )  
JOEL Q. XUE ET AL )  
Application No.: 10/825,494 )  
Filed: 04/15/2004 )  
Group Art Unit: )  
Examiner: )  
METHOD AND APPARATUS FOR )  
DETECTING CARDIAC )  
REPOLARIZATION ABNORMALITY )

SUBMISSION OF DECLARATION

Mail Stop MISSING PARTS  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Notice to File Missing Parts of Nonprovisional Application,  
Filing Date Granted mailed June 28, 2004 enclosed are the following documents/items.

1. An executed declaration in this application executed by the inventors. The declaration includes the names and residences of the inventors. In accordance with the Commissioner's announcement in 1035 OG 3, the undersigned registered attorney states that Application Serial No. 10/825,494 is the application that the inventors executed by signing the attached declaration.

2. Please charge the surcharge of \$130.00 for late filing of the declaration to Deposit Account No. 50-2401. A duplicate copy of this submission is attached.

Appln. No. 10/825,494

Reply to Notice to File Missing Parts dated June 28, 2004

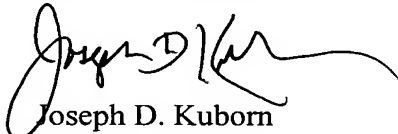
Submission of Declaration dated August 19, 2004

3. A copy of the Notice of June 28, 2004.

Issuance of a filing receipt and advancement of the application to examination is respectfully requested.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP



Joseph D. Kuborn  
Reg. No. 40,689

Andrus, Sceales, Starke & Sawall  
100 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202  
(414) 271-75920



Approved for use through 9/30/98  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

| PTO/SB/17<br>(10/97)  |   | COMPLETE IF KNOWN   |                       |
|---|---|---|-----------------------|
| <b>FEE TRANSMITTAL</b>  |   | Application Number  | 10/825,494            |
|   |   | Filing Date   | 04/15/2004            |
|   |   | First Named Inventor  | Joel Q. Xue           |
|   |   | Group Art Unit  |                       |
|   |   | Examiner Name   |                       |
| Total Amount of Payment   | (\$ 130.00)   | Attorney Docket Number  | 1408231T (5024-00120) |
| <b>METHOD OF PAYMENT (check one)</b>  |   | <b>FEE CALCULATION (continued)</b>  |                       |
| 1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:<br>Deposit Account Number <u>50-2401</u><br>Deposit Account Name <u>Andrus, Sceales, Starke &amp; Sawall, LLP</u><br><input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee set in 37 CFR 1.18 at the Mailing Of the Notice of Allowance, 37 CFR 1.311(b) |   | 2. <b>Additional Fees</b><br>Large Entity Small Entity<br>Fee Fee Fee Fee<br>Code (\$) Code (\$) Fee Description Fee Paid |                       |
| 3. <input type="checkbox"/> Payment Enclosed:<br><input type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other   |   | 105 130 205 65 Surcharge-late filing fee or oath <u>\$130</u>   |                       |
| <b>FEE CALCULATION (fees effective 10/01/97)</b>  |   | 127 50 227 25 Surcharge-late provisional filing fee or cover sheet  |                       |
| 1. <b>Filing Fee</b><br>Large Entity Small Entity<br>Fee Fee Fee Fee<br>Code (\$) Code (\$) Description   |   | 139 130 139 130 Non-English specification   |                       |
| 101 740 201 370 Utility filing fee  |   | 147 2,520 147 2,520 For filing a request for reexamination  |                       |
| 106 330 206 165 Design filing fee   |   | 112 920* 112 920* Requesting publication of SIR prior to Examiner action  |                       |
| 107 480 207 240 Plant filing fee  |   | 113 1,840* 113 1,840* Requesting publication of SIR after Examiner action   |                       |
| 108 760 208 380 Reissue filing fee  |   | 115 110 215 55 Extension for response within first month  |                       |
| 114 150 214 75 Provisional filing fee   |   | 116 400 216 200 Extension for response within second month  |                       |
| SUBTOTAL (1) (\$ 0)   |   | 117 950 217 475 Extension for response within third month   |                       |
| 2. <b>Claims</b><br>Extra Fee from below Fee Paid   |   | 118 1,510 218 755 Extension for response within fourth month  |                       |
| Total claims <u>20</u> = <u>X</u> =   |   | 128 2,060 228 1,030 Extension for response within fifth month   |                       |
| Independent Claims <u>3</u> = <u>X</u> =  |   | 119 310 219 155 Notice of appeal  |                       |
| Multiple Dependent Claims <u>X</u> =  |   | 120 310 220 155 Filing a brief in support of an appeal  |                       |
| Large Entity Small Entity Fee Description   |   | 121 270 221 135 Request for oral hearing  |                       |
| Fee Fee Fee Fee   |   | 138 1,510 138 1,510 Petition to institute a public use proceeding   |                       |
| Code (\$) Code (\$) Description   |   | 140 110 240 55 Petition to revive unavoidably abandoned application   |                       |
| 103 18 203 9 Claims in excess of 20   |   | 141 1,320 241 660 Petition to revive unintentionally abandoned application  |                       |
| 102 78 202 39 Independent claims in excess of 3   |   | 142 1,320 242 660 Utility issue fee (or reissue)  |                       |
| 104 260 204 130 Multiple dependent claim  |   | 143 450 243 225 Design issue fee  |                       |
| 109 78 209 39 Reissue independent claims over original patent   |   | 144 670 244 335 Plant issue fee   |                       |
| 110 19 210 9 Reissue claims in excess of 20 and over original patent  |   | 122 130 122 130 Petitions to the Commissioner   |                       |
| SUBTOTAL (2) (\$ 0)   |   | 123 50 123 50 Petitions related to provisional applications   |                       |
|   |   | 126 240 126 240 Submission of Information Disclosure Statement  |                       |
|   |   | 581 40 581 40 Recording each patent assignment per property (times number of properties)                                  |                       |
|   |   | 146 790 246 395 Filing a submission after final rejection (37 CFR 1.129(a))   |                       |
|   |   | 149 790 249 395 For each additional invention to be examined (37 CFR 1.129(b))  |                       |
|   |   | Other fee (specify) _____   |                       |
|   |   | Other fee (specify) _____   |                       |
|   |   | SUBTOTAL (3) (\$ 130.00)  |                       |
|   |   | *Reduced by Basic Filing Fee Paid   |                       |
| <b>SUBMITTED BY</b>   |   | <b>COMPLETE (if applicable)</b>   |                       |
| Type or Printed name  | Joseph D. Kuborn<br>Andrus, Sceales, Starke & Sawall, LLP | Registration Number   | 40,689                |
| Signature   |   | Date  | 8/19/2004             |
|   |   | Deposit Account User ID   |                       |